

AMENDED IN SENATE AUGUST 17, 2009

Senate Joint Resolution

No. 15

Introduced by Senator Alquist
(Coauthor: Assembly Member Jones)

June 17, 2009

Senate Joint Resolution No. 15—Relative to public health laboratories.

LEGISLATIVE COUNSEL'S DIGEST

SJR 15, as amended, Alquist. Public health laboratories.

This measure would encourage the ~~Center~~ *Centers* for Medicare and Medicaid Services to amend the Clinical Laboratory Improvement ~~Amendment~~ *Amendments* regulations to, and the Congress and the President of the United States to enact legislation that would, allow qualified nondoctoral, nonboard certified persons to serve as laboratory directors of local public health laboratories, *if they are qualified to direct those laboratories under the law of the state in which the laboratory is located*, with the express goals of ensuring adequate local public health laboratory support for response to communicable disease events, ensuring an adequate supply of local public health laboratory directors, and ensuring protection for the balance of the nation by increasing national security through adequate disease identification. This measure would encourage specified federal entities to also encourage CMS and the Congress and President of the United States to accomplish these goals in this manner.

Fiscal committee: no.

- 1 WHEREAS, The federal ~~Center~~ *Centers* for Medicare and
- 2 Medicaid Services (CMS) has adopted the Clinical Laboratory

1 Improvement-Amendment Amendments (CLIA) regulations related
2 to laboratory director qualifications that are unreasonable for the
3 California local public health laboratory system and have led to
4 the closure of needed local public health laboratories in California;
5 and

6 WHEREAS, CMS fails to recognize the unique responsibility
7 and authority of local public health laboratories in response to
8 disasters, both naturally occurring and man made; and

9 WHEREAS, The California local public health laboratory system
10 has been recognized internationally for decades, is considered
11 exemplary in quality of service and accuracy of testing, has
12 responded to both naturally occurring and man made disasters,
13 and has protected California's citizens for decades; and

14 WHEREAS, The California local public health laboratory system
15 is an important element of the public health system that forms the
16 triad, along with law enforcement and fire officials, in protecting
17 our communities; and

18 WHEREAS, California's many immigration gateways, without
19 adequate local public health laboratory resources, can be an entry
20 point for the spread of infectious diseases with potential national
21 impact; and

22 WHEREAS, The loss of local public health laboratory support
23 in any community creates a national security concern that must
24 not be ignored; and

25 WHEREAS, Congresswoman Doris Matsui has drafted federal
26 legislation to provide states with the authority to permit local public
27 health laboratories to operate in accordance with minor changes
28 in CLIA language regarding laboratory director qualifications; and

29 WHEREAS, The California Conference of Local Health
30 Officers, the California Association of Public Health Laboratory
31 Directors, and the County Health Executives of California have
32 all requested administrative relief from the onerous regulation
33 without success; now, therefore, be it

34 *Resolved by the Senate and the Assembly of the State of*
35 *California, jointly*, That the Legislature of the State of California
36 encourages CMS to amend the CLIA regulations to, and the
37 Congress and the President of the United States to enact legislation
38 that would, allow qualified nondoctoral, nonboard certified persons
39 to serve as laboratory directors of local public health laboratories,
40 *if they are qualified to direct those laboratories under the law of*

1 *the state in which the laboratory is located*, with the express goals
2 of ensuring adequate local public health laboratory support for
3 response to communicable disease events, ensuring an adequate
4 supply of local public health laboratory directors, and ensuring
5 protection for the balance of the nation by increasing national
6 security through adequate disease identification; and be it further

7 *Resolved*, That the Legislature of the State of California
8 encourages the federal Secretary of Health and Human Services,
9 the Department of Homeland Security, and other relevant federal
10 regulatory authorities to encourage CMS to amend the CLIA
11 regulations, and the Congress and President of the United States
12 to enact legislation, to accomplish these policy goals in this
13 manner; and be it further

14 *Resolved*, That the Secretary of the Senate transmit copies of
15 this resolution to the President and Vice President of the United
16 States, the Speaker of the House of Representatives, the Majority
17 Leader of the Senate, and to each Senator and Representative from
18 California in the Congress of the United States.